IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

MISC. PETITION NO. 15 OF 2004

WITH

MISC. PETITION NO. 16 OF 2004

WITH

MISC. PETITION NO. 17 OF 2004

WITH

MISC. PETITION NO. 18 OF 2004

WITH

MISC. PETITION NO. 19 OF 2004

AND

MISC. PETITION NO. 20 OF 2004

Kanchan Girish Patil & Ors. .. Petitioners.

vs.

Sakshi Girish Patil

& Ors. .. Respondents.

Mr. Girish Desai with Shri Ajit B.

Shrikhande for petitioners.

None for respondents.

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CORAM : S.U. KAMDAR, J.

DATE : 17TH FEBRUARY, 2005.

P.C.

1. The present six miscellaneous petitions are filed for a claim of sale in respect of immovable property described in Exhibit "C" to the petitions. The said property is consisting of a plot of land together with building standing thereon situated at veer Savarkar Marg formerly known as Cadell Road, Dadar. The area of the property is around 509.20 sq. mtrs. There is a lessee on the said plot of land one Gopalrao Krishnarao Kalyanpur who is in possession of the portion of the property under the indenture dated 27.12.1951. In the present case, the family of original lessee Balaram Manik Patil has
filed the proceedings because he died leaving behind his widow, four sons and two married daughters.

2. By my order dated 12.1.2005, I appointed Mr. Nadkarni of M/s. Nadkarni and Co. as valuer for preparing a fresh valuation report. Pursuant to the said order, Mr. Nadkarni has filed a valuation report dated 21.1.2005. In the said report Mr. Nadkarni has valued the property at Rs. 2.95 crores. The learned counsel Mr. Desai has accepted the said valuation report and has agreed that I should sanction the sale fork the said sum of Rs. 2.95 crores. He also agreed that the

proportionate share in accordance with the of co-parcenery property will be deposited in this Court. The learned counsel has also drawn my attention that in so far as the two daughters of original lessee Balaram Manik Patil are concerned, their right, title and interest is released by virtue of execution of two deeds of release dated 8.1.1984 and they have received in consideration a sum of Rs. 8 lacs each. He has contended that the said amount of Rs. 16 lacs should be deducted from and out of the total amount of sale proceeds. I permit the said deduction. The sale is sanctioned. Rs. 16 lacs be deducted towards the settlement of the right title and interest of two daughters under the two deeds of release. I also permit the deduction of the valuation charges of Mr. Nadkarni of the said valuation report which is quantified at Rs. 25,000/-. Thus out of the total of Rs. 1.10 crores. Rs. 16 lacs plus Rs. 25,000/- are permitted to be deducted. The balance amount is distributed amongst all the legal heirs and in the shares of the minors which comes as under :-

Name of the minor	Pet.No.	% share	Amount.
Sarvada Surendra Patil	16/04	1.64	270190
Sarvottam Surendra Patil	16/04	1.64	270190
Yash Prasanna Patil	18/04	1.64	270190

Vaishnavi Prasanna Patil	18/04	1.64	270190
Anaya Bipin Patil	19/04	1.64	270190
Anuj Bipin Patil	19/04	1.64	270190
Krutika Bhupendra Patil	17/04	2.07	3,41,032
Kritantak Bhupendra Patil	17/04	2.07	3,41,032
Sakshi Girish Patil	15/04	2.07	3,41,032
Sharvari Girish Patil	15/04	2.07	3,41,033
Chinmay Kundan Patil	20/04	2.07	3,41,033
Saloni Kundan Patil	20/04	2.07	3,41,033

3. The purchasers of the said property is directed to deposit the aforesaid amount with the Accounts Officer, High Court, Bombay, to the credit of each of the minors as specified above. The Accounts Officer, High Court, Bombay is direct to invest the said amount in Nabard Bonds or RBI Bonds and the accumulated interest thereon from time to time. The Accounts Officer, High Court, Bombay will hold the said certificates of Nabard till further orders from this Court.

4. All the petitions are disposed of accordingly. There shall be no order as to costs.